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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Report of Mrs. Judith Sefi Attah, Chairman of the Sub-Commission at its forty-sixth session, prepared in accordance with paragraph 14 of Commission on Human Rights resolution 1994/23

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Introduction

1. In its resolution 1994/23 of 4 March 1994, entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", the Commission on Human Rights, having expressed its appreciation for the positive contribution made by the Sub-Commission to the promotion and protection of human rights and having noted with appreciation the dialogue and the spirit of cooperation between the two bodies, inter alia, reiterated its invitation to the Sub-Commission to continue, in particular in the sessional working group convened in pursuance of Sub-Commission resolution 1993/4, its consideration of ways in which its work should be improved, with a view to making recommendations, in particular on the following points:

(a) Initiatives for better coordination with the Commission;

(b) Proposals concerning the rationalization of the agenda, bearing in mind, inter alia, the relationship between the agenda of the Sub-Commission and that of the Commission;

(c) Initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation of a short summary of each completed study, the purpose being that the summaries of all studies completed during a session should be published separately in various languages, for example in the Fact Sheet series of the Centre for Human Rights, thus contributing to better publicity for the studies.

2. The Commission reaffirmed that one of the tasks of the Sub-Commission is a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission. The Sub-Commission was also invited to continue to give due regard to new developments in the field of human rights.

3. The Commission also noted the initiative of the Sub-Commission to request information about emergency situations and welcomed this as a new development which should be applied in appropriate circumstances relating to human rights and to which Governments should give a prompt and appropriate response.

4. In paragraph 14 of the resolution, the Commission decided to invite the Chairman of the Sub-Commission at its forty-sixth session to report to the Commission at its fifty-first session on the progress made concerning the issues referred to in that resolution and on significant aspects of the work of the Sub-Commission.

5. The Chairman of the Sub-Commission submits the present concise report to the Sub-Commission in pursuance of its resolution 1994/23. More details regarding the various aspects of the work of the forty-sixth session of the Sub-Commission will be provided, if necessary, by the Chairman of the Sub-Commission in her statement during the fifty-first session of the Commission. The report of the Sub-Commission on its forty-sixth session is before the Commission in document E/CN.4/1995/2-E/CN.4/Sub.2/1994/56.

I. SESSIONAL WORKING GROUP ON THE METHODS OF WORK OF THE SUB-COMMISSION

6. Pursuant to its resolution 1993/4, the Sub-Commission at its forty-sixth session established a sessional working group to continue the study of its methods of work. The working group consisted of Mrs. H. Warzazi (who was elected Chairman-Rapporteur), Mr. S. Chernichenko, Mr. A. Eide, Mr. M. Alfonso Martinez and Mr. R. Hatano. The working group held three meetings which were open to all members of the Sub-Commission, as well as to observers for States and intergovernmental and non-governmental organizations. The report of the working group is contained in document E/CN.4/Sub.2/1994/3.

A. Coordination with the Commission on Human Rights

7. The Working Group stressed the need to continue the valuable practice of inviting the Chairman of the Sub-Commission to address the Commission on Human Rights and to participate in the post-sessional Bureau meetings of the Commission, as well as of inviting the Chairman of the Commission to address the Sub-Commission. It was also proposed that there should be some kind of liaison with the Commission during the session of the Sub-Commission.

8. Another proposal was that members of the Sub-Commission could consult with the sponsors of Commission resolution 1994/23 in order to find out what was behind the request "for a better coordination with the Commission".

B. Rationalization of the agenda of the Sub-Commission

9. The working group suggested that the rationalization of the agenda of the Sub-Commission should be undertaken in tandem with that of the Commission on Human Rights, especially in view of the forthcoming session of the Commission's working group on the organization of work, which would also discuss the Commission's agenda. The need was also emphasized to avoid copying the agenda of the Commission, in particular because of the Sub-Commission's character as a body of experts.

10. When discussing the possible merging of agenda items, caution was advised with regard to merging "for the sake of merging".

11. The working group felt that some guidelines should be sought from the Commission on Human Rights with regard to the rationalization of the agenda of the Sub-Commission.

C. Dissemination of the findings of the Sub-Commission

12. A suggestion was made that special rapporteurs should be invited to make brief written summaries of their completed reports and studies.

13. Another proposal was that the Chairman of each session of the Sub-Commission should determine which ongoing and/or forthcoming sessions of organs, conferences, etc. were to be informed about the work and findings of the Sub-Commission.

D. Methods of work regarding the agenda item on violations of human rights

14. On the basis of the proposals made by its members, the working group adopted several recommendations relating to methods of work of the Sub-Commission regarding agenda item 6, entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)". The recommendations of the working group related to speaking time and to allocation of time and sequence of speaking.

15. It was proposed, inter alia, that maximum speaking time for all observers under this agenda item should be determined by dividing the total time allocated to observers, which amounts to six hours of meeting time, by the number of delegations which register to speak before the closure of the list of speakers. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker could be extended. Government observers should normally avoid, under this agenda item, addressing human rights situations in countries other than their own. Speaking time for government observers exercising a right of reply is additional to time used by that observer Government to provide information on human rights developments in his country, and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant allocation of more time, to be decided by the Chairman at the request of the observer concerned.

E. Other matters

16. Concerning the question of communications, it was proposed that the Sub-Commission could make a recommendation to the Commission on Human Rights to extend the mandate of the High Commissioner for Human Rights in this respect, in order to entrust him with receiving individual communications relating to extreme cases of human rights violations, such as the death penalty, which were not acceptable under other existing procedures.

17. With regard to the question of the reform of the "1503 procedure", including its possible abolition, the view was expressed by several members of the working group that it should not be dropped.

18. It was also felt that the role of the Chairman of the Sub-Commission and that of the secretariat should be specified more exactly, especially with regard to action on urgent cases.

II. ACTION BY THE SUB-COMMISSION ON ITS METHODS OF WORK

19. Having discussed various questions relating to its role, mandate and organization of work, and having considered the report and recommendations of its sessional working group (see E/CN.4/Sub.2/1994/SR.3, 22, 26, 36, 37/Add.1), the Sub-Commission adopted, on 26 August 1994, by 14 votes to 5, with 1 abstention, decision 1994/117 in which it decided:

(a) To adopt the report of its sessional working group on methods of work of the Sub-Commission (E/CN.4/Sub.2/1994/3), including its recommendations, which should be strictly adhered to;

(b) That, at its forty-seventh session, on an experimental basis, item 6 would be considered as soon as the agenda was approved.

III. CONSIDERATION OF NEW DEVELOPMENTS IN THE FIELD OF HUMAN RIGHTS

20. As in the past, the Sub-Commission at its forty-sixth session considered, under agenda item 4 entitled "Review of further developments in fields with which the Sub-Commission has been concerned", the reports submitted by the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, providing information on developments in their respective activities. The Sub-Commission also considered 11 letters received from Governments, 38 written statements submitted by non-governmental organizations and a number of documents prepared by the Secretary-General which contained information on new developments relating to various agenda items.

21. The Sub-Commission also focused its attention on new developments in the actual human rights situation in a number of countries and territories based on information submitted to it by members, observer Governments and non-governmental organizations. In particular, the Sub-Commission considered, and took action upon such situations in Rwanda (resolution 1994/1), in South Africa (resolution 1994/3), in Albania (resolution 1994/12), in the Middle East (resolution 1994/13), in Iraq (resolution 1994/14 and decision 1994/111), in the Islamic Republic of Iran (resolution 1994/16), in Burundi (resolution 1994/17), in Chad (resolution 1994/19), in Togo (resolution 1994/20), in Bougainville (resolution 1994/21), in Haiti (resolution 1994/22), in Guatemala (resolution 1994/23), and in the Palestinian and other Arab territories occupied by Israel (decision 1994/112).

IV. OTHER MATTERS

22. Pursuant to the invitation of the Commission on Human Rights contained in paragraph 13 of its resolution 1994/23, the Chairman of the fiftieth session of the Commission, H.E. Mr. P. van Wulfften Palthe, addressed the Sub-Commission at its 22nd meeting, on 17 August 1994.

23. All 26 members of the Sub-Commission were present for most of the session. When a member was unable to attend, he or she was, as a rule, replaced by the alternate. The session was also attended by 89 States in their capacity as observers (last year: 99), 5 United Nations bodies (same as last year), 3 specialized agencies (last year: 5), 3 intergovernmental and other organizations (last year: 9), 1 national liberation movement (last year: 3) and 115 non-governmental organizations (last year: 111).

24. Every effort was made to organize the work of the forty-sixth session of the Sub-Commission within the time normally allotted. Requests for additional meetings had not received a satisfactory response due to the financial constraints of the United Nations. Only 1 hour 15 minutes of meeting time were lost through late starting and/or early ending during the whole session.